

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
TUESDAY, SEPTEMBER 9, 2014 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2014 through 5/2015	
		Present	Absent
Karl Shallenberger, Chair	P	3	0
Sharon A. Zamojski, Vice Chair	A	1	2
Roger Bond	P	2	1
Caldwell Cooper	P	2	1
Michael Madfis	P	3	0
Matthew Scott	P	2	1
Fred Stresau	P	3	0
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Alternates			
Birch Willey	P	3	0
Andrew Gordon	P	2	0

Staff

Bob Dunckel, Assistant City Attorney
Anthony Fajardo, Zoning Administrator
Lynda Crase, Administrative Aide
Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None.

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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	<u>Case Number</u>	<u>Applicant/Agent</u>	<u>District</u>	<u>Page</u>
1.	B14005	Commercial Prospect LLC/Victory Petroleum/ Wonder Meryl	1	<u>2</u>
2.	B14009	Arturo and Grace Marrero, Arturo Marrero	2	<u>3</u>
3.	B14010	Susan Cooper/Nectaria Chakas For the Good of the City Communication to the City Commission	2	<u>4</u> <u>4</u> <u>5</u>

Board members disclosed communications they had and site visits made regarding items on the agenda.

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

Items were discussed out of order.

Call to Order

Chair Shallenberger called the meeting to order at 6:30 p.m. He introduced Board members and determined a quorum was present.

Approval of Minutes – July 2014

Motion made by Mr. Cooper, seconded by Mr. Stresau, to approve the minutes of the Board's July 2014 meeting. In a roll call vote, motion passed unanimously.

1. Case No B14005	Index
OWNER:	Commercial Prospect LLC/Victory Petroleum
AGENT:	Wonder Meryl
LEGAL:	17-49-42 PART OF SE1/4 OF NE1/4 DESC'D AS COMM AT SW COR OF SE1/4 OF NE1/4 N ALG W/L FOR 330.23,E 50.00 TO PT ON E R/W/L OF PROSPECT RD AND POB,CONT E 250.00,S 250.17,WLY 224.88,NW 35.44,N 225.10 TO POB
ZONING:	B-3 (Heavy Commercial/Light Industrial Business)
ADDRESS:	2395 W Commercial Blvd. Fort Lauderdale, FL
DISTRICT:	1

APPEALING: Section 47-6.13. (List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District).

Requesting an after-the-fact use variance to permit an outdoor hand car wash in the B-3 zoning district where the code does not indicate outdoor hand car wash as a permitted or conditional use in the B-3 zoning district.

(DEFERRED FROM JULY 9, 2014)

Chair Shallenberger opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Shallenberger closed the public hearing and brought the discussion back to the Board.

Mr. Stresau and Chair Shallenberger remarked that they had seen no posting about this meeting when they visited the property. Mr. Stresau suggested deferring the case for another month.

Motion made by Mr. Stresau, seconded by Mr. Cooper to defer the case to the Board's October meeting. In a roll call vote, motion passed 7-0.

Wonder Meryl, applicant, agreed to re-post the notices.

2. Case No B14009

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OWNER:	Arturo and Grace Marrero
AGENT:	Arturo Marrero
LEGAL:	LOT 2, BLOCK 4, LAUDERDALE SHORES, ACCORDING TO THE RE-AMENDED PLAT THEREOF, AS RECORDED IN PLAY BOOK 15, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY
ZONING:	RS-4.4 (Residential Single Family Low Medium Density District)
ADDRESS:	2307 Castilla Isle, Fort Lauderdale, Florida 33301
DISTRICT:	2

APPEALING: Section 47-5.30. (Table of dimensional requirements for the RS-4.4 district) Requesting a variance to allow a 2-car garage to be constructed with a front yard setback of twenty-one (21) feet where the code requires a minimum front yard setback of twenty-five (25) amounting to a front yard encroachment of four (4) feet.

Board members commented that the notices were not properly posted on this property.

Arturo Marrero, owner, stated he had posted the notices properly and had taken photos of them. He said the renter had been advised he was posting the signs. Mr. Stresau said he had visited the property on Sunday and he could not see the signs. He therefore felt the Board should not go forward with the case. Mr. Marrero wanted to continue, but Mr. Dunckel said the test they had used in the past was whether the Board collectively agreed that anyone who might want to participate in the discussion had been properly notified or could be prejudiced because the sign had not been continually posted.

Motion made by Mr. Stresau, seconded by Mr. Cooper to hear the case. In a roll call vote, motion failed 2-5 with only Mr. Scott and Chair Shallenberger voting in favor.

Chair Shallenberger advised Mr. Marrero to re-post the signs and apply to be on a future agenda.

3. Case No B14010

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OWNER: Susan B. Cooper, Trustee of the JNC 2009 Trust Agreement
AGENT: Nectaria Chakas
LEGAL: LOT 4, SUNRISE KEY, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 45, PAGE 6 OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA
ZONING: RS-4.4 (Residential Single Family Low Medium Density District)
ADDRESS: 2009 Sunrise Key Blvd., Fort Lauderdale, Florida
DISTRICT: 2

APPEALING: Section 47-19.3. (Boat slips, docks, boat davits, hoists and similar mooring structures) Requesting a variance to allow a watercraft (boat) to extend into the side yard setback at a distance of six (6) feet from the side property line where the code states that no watercraft shall be docked or anchored adjacent to a residential property such that it extends beyond the minimum side yard setback required for the principal buildings and where the code requires a minimum side yard setback of ten (10) feet in the RS-4.4 zoning district amounting to a four (4) foot encroachment.

Mr. Cooper recused himself from this case.

Nectaria Chakas, attorney for the owner, requested a deferral to the Board's next meeting.

Motion made by Mr. Cooper, seconded by Mr. Willey to defer the request to the Board's September meeting. In a voice vote, motion passed unanimously.

Other Items and Board Discussion

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Chair Shallenberger reported they had received a lovely note from former Chair Centorino thanking them for the flowers they had sent.

Report and for the Good of the City

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None.

Communication to the City Commission


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None.

There being no further business to come before the Board, the meeting was adjourned at 6:42 pm.

Vice

Chair:


for Karl Shallenberger

Attest:


ProtoType Inc.

Minutes prepared by: J. Opperee, Prototype Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.